

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AUTONOMOUS DEVICES LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1466-MN
	)	
TESLA, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF’S REPLY IN SUPPORT OF ITS MOTION TO FILE SUR-REPLY**

Tesla’s opposition to Plaintiff’s motion for leave to file a sur-reply continues to misrepresent its reply and original request for relief.

First, Tesla is simply not being fair by contending that it sought to dismiss only “ten” asserted claims through its Motion. Tesla cannot undo the overreaching in its original request for relief by cherry-picking isolated statements from its opening brief (none of which state “ten”) when the remedy it clearly sought requested ineligibility of all claims.

Second, with regard to the cases Tesla attempted to distinguish in its reply, Tesla wrongly implied that those defendants asserted infringement of all patent claims *in the complaint*, not through some type of “disposition” as now argued. Tesla’s erroneous description of these cases evinces knowledge that Tesla’s motion to dismiss should fail for the same reason the motions failed in those cases.

Third, Tesla’s reply was not just responding to Plaintiff’s opposition regarding a “second device,” and instead took a new position regarding the term “or” that is inconsistent with the plain claim language. This is a classic claim construction dispute that also prevents a finding of ineligibility at this stage.

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/s/ Emily S. DiBenedetto

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